Amendments to the Drawings:

The attached sheet of drawings includes changes to all figures . The sheets, which include Figs. 1-8, replaces the original sheets including Figs. 1-8.

Attachment: Replacement Sheets (8)
Annotated Sheets Showing Changes (7)

REMARKS/ARGUMENTS

An Office action was mailed January 10, 2006. In the Office action the drawings are objected to, the specification is objected to, and the claims are rejected either under 35 U.S.C. § 102 or 35 U.S.C. § 103. The Examiner is thanked for attention to the application.

Claims 1, 2, 4, 5, 10, 11, 13, and 14 are now amended. Claim 19 is cancelled.

Replacement drawings are submitted herewith. Figure 1 has been changed to incorporate labels for the rectangular boxes as appropriate considering the size of the boxes. In addition, it is respectfully noted that the text of the application clearly delineates the content of the information transmitted between the boxes, and it does not appear appropriate to further label the arrows. In addition, the X and Y axis for Figures 4 - 8 are also now labeled. The flow charts of Figures 2 and 3 have been amended to include the labels for the boxes. In this regard, the "Step I, Step II, Step III, Step IV" items for Fig. 3 have been modified to use reference numbers, with corresponding changes to the specification. Regarding the objects to the drawings in paragraph 4 of the Office action (Office action, p. 4) the claims have been modified so that the objection is now moot.

The specification included an inconsistency in that the device 14 was sometimes referred to as the scheduler 14. A change to consistently refer to the device 14 as the device 14 has been made in the specification.

The specification was also objected to because of the arrangement of the specification. Appropriate titles for the various portions of the specification have now been added.

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,262,986 to Oba et al. Claim 1 is to a method comprising: "a bandwidth guaranteeing process transferring units or packets from one or more queues to the transmission medium in a manner so that each of those queues can obtain at least a predetermined bandwidth, and a queuing process comprising the steps of: 1. assigning a priority or quality to each of the queues, 2. defining, for each of the queues, a variable, and 3. when no queues transmit units or packets using the bandwidth guaranteeing process:[additional processing]." The specification states, for example,

"data is always transmitted under the guaranteed bandwidth if the schedulers 10 have such data to transmit. Otherwise, data (if present) is transmitted from the Weighted Fair Queuing process... In return, each shaper receives a BW_active and a WFQ_active signal from the device 14. These signals inform the shaper of when the pertaining queue is transmitting under the bandwidth guaranteeing process or the weighted fair queuing process (or not at all)." Application as filed, p. 10, line 29 to page 11, line 6.

The Office action states that Oba et al. discloses a bandwidth guaranteeing process transferring units or packets...so that each of those queues can obtain at least a predetermined bandwidth in Figure 2, element 16 and col. 17, lines 1-7. Element 16 of Figure 2 of Oba et al. is a scheduling information management unit. It does not appear that a scheduling information management unit, by itself, discloses a bandwidth guaranteeing process transferring units or packets for one or more queues through the transmission medium in a manner so that each of those queues can obtain at least a predetermined bandwidth. Col. 7, lines 1-7 of Oba et al. appears to merely indicate that the scheduling information management unit always holds as many VCI's corresponding to each one of M-sets of the packet queues as a smaller one of the queue length in terms of the number of packets and the weight set up for each packet queue. Indeed, in Oba et al. "each packet queue is assigned with a weight which is set equal to a relative ratio of the bandwidth set up for the VC connection corresponding to each packet queue." Oba et al., col. 5, lines 49-52. It does not appear that Oba et al. discloses or suggests a method including both "a bandwidth guaranteeing process and a queuing process as claimed in claim 1.

Accordingly, claim 1 is allowable.

Claim 10 is also rejected under 35 U.S.C. § 102(e) as being anticipate by Oba et al. Claim 10 is treated together with claim 1 in the Office action. Claim 10 specifies an apparatus comprising: bandwidth guaranteeing means for transferring units or packets from one or more queues to the transmission medium in a manner so that each of those queues can obtain at least a predetermined bandwidth, and queuing means comprising: 1. means for assigning a priority or quality to each of the queues, 2. means for defining, for each of the queues, a variable, and

[further means]. In view of the discussion above for Oba et al., it does not appear that Oba et al. discloses such.

Accordingly, claim 10 is allowable.

It is also noted that page 2 of the Office action in referring to the drawings purportedly sets a two month period for supplying new drawings. The Office action summary, however, clearly provides a 3-month period for response, and it is therefore presumed that inclusion of form language otherwise within the Office action was merely an inadvertent oversight on the part of the Office.

Accordingly, the application is in condition for allowance, and allowance of same is respectfully requested.

Respectfully submitted,
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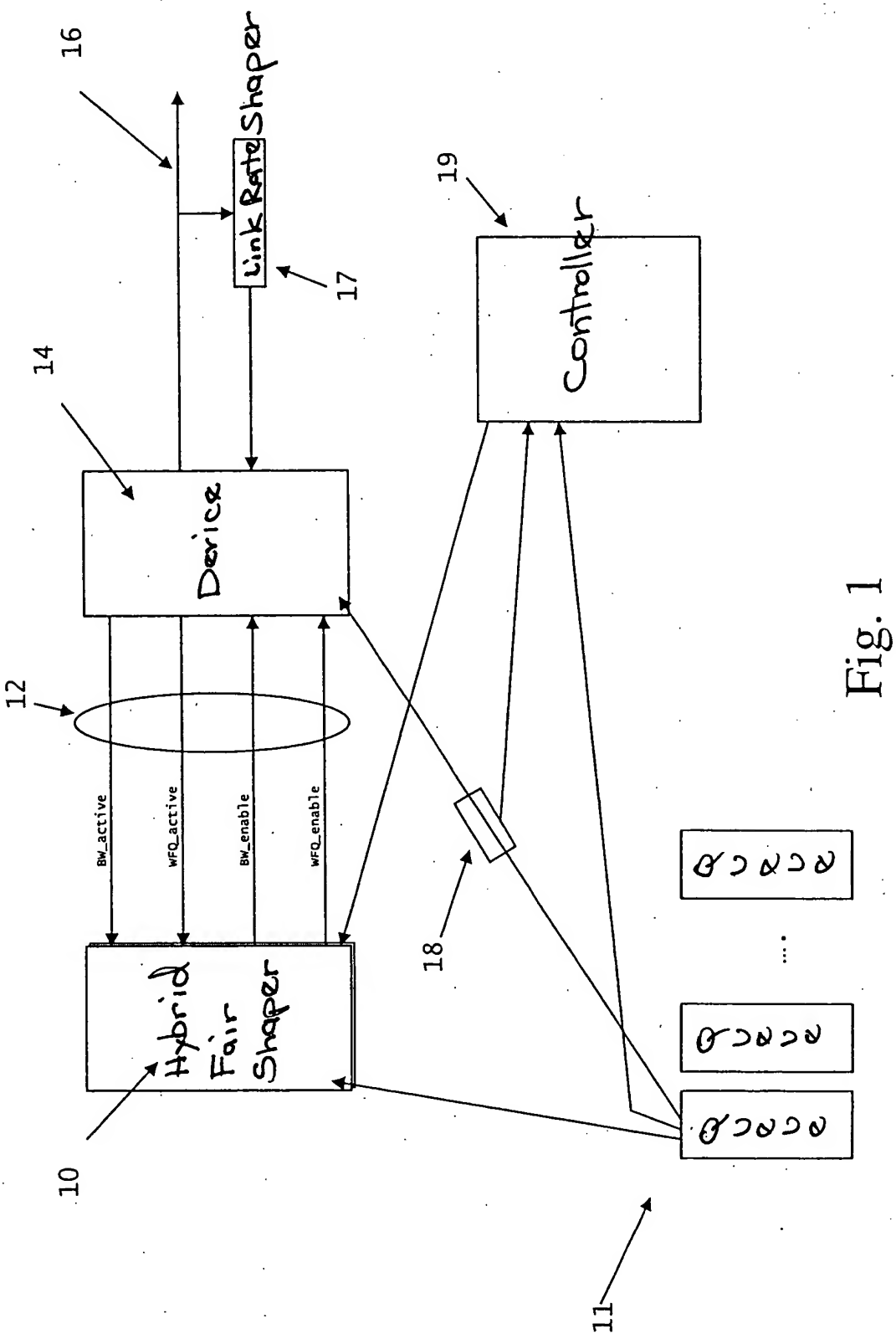

Fig. 1

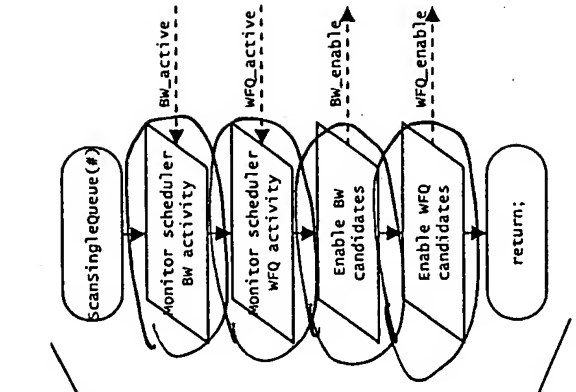
ScanSingleQueue(#)
Monitor scheduler BW activity
Monitor scheduler WFQ activity
Enable BW candidates
Enable WFQ candidates
return;
BW_active
WFQ_active
BW_enable
WFQ_enable

Fig. 3

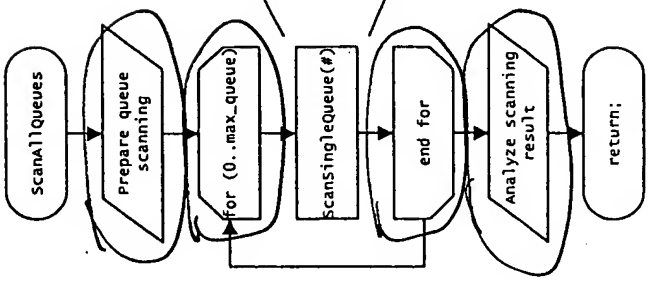
ScanAllQueues
Prepare queue scanning
for (0..max_queue)
ScanSingleQueue(#)
end for
Analyze scanning result
return;

Fig. 2

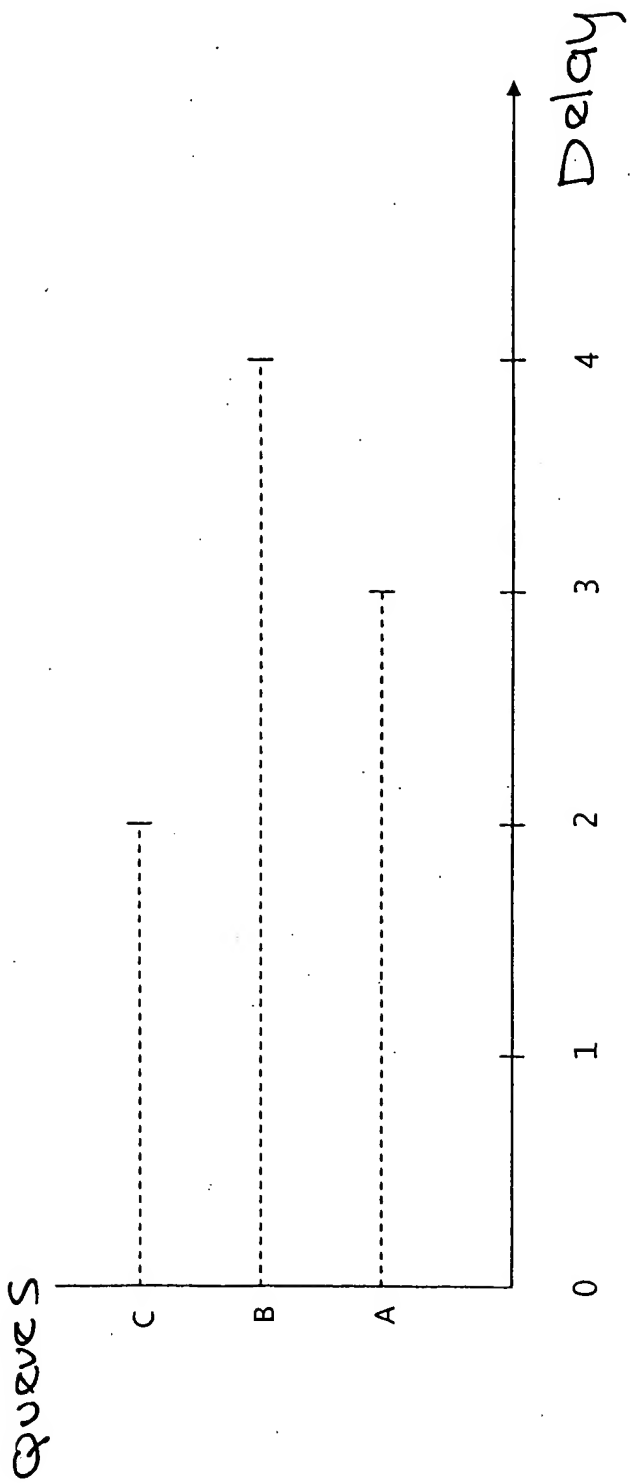

Fig. 4

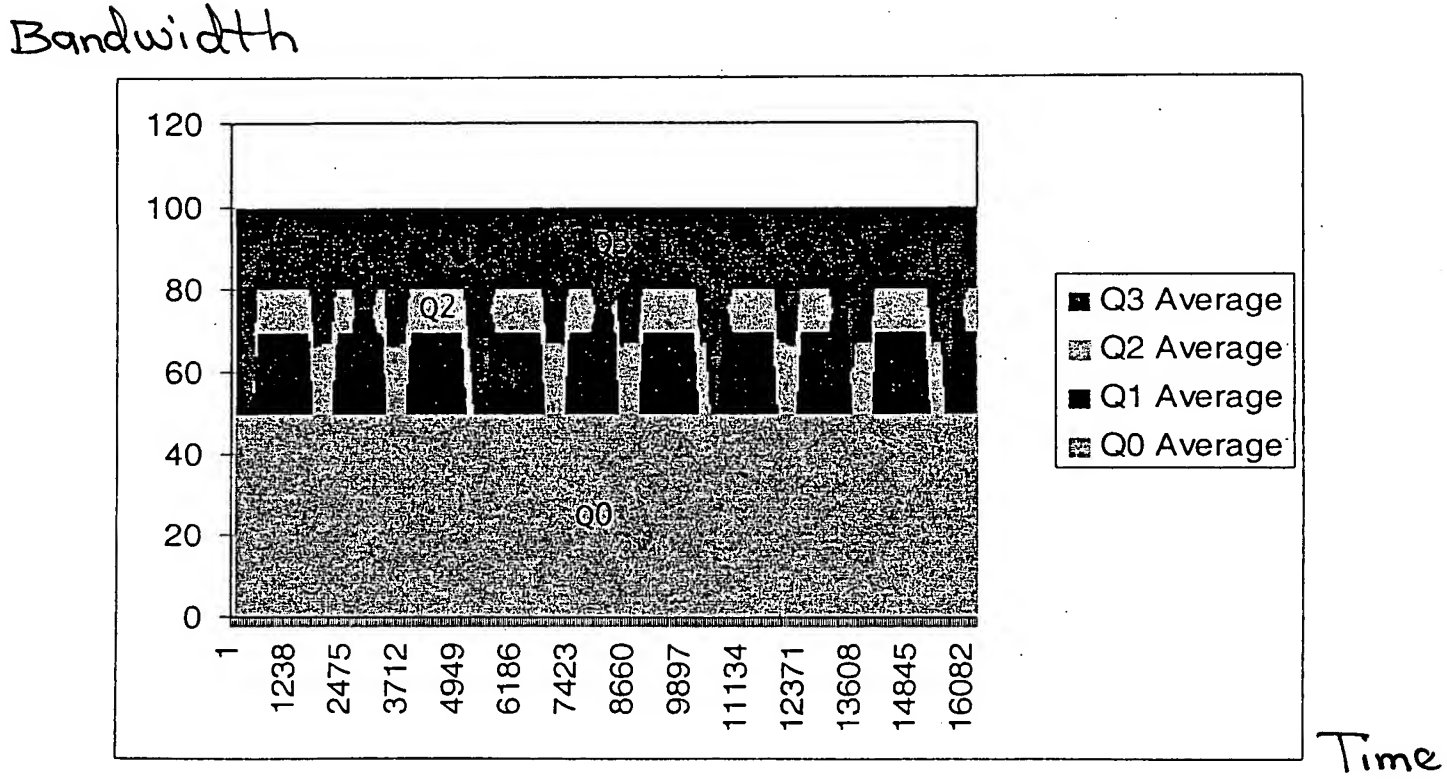

Fig. 5

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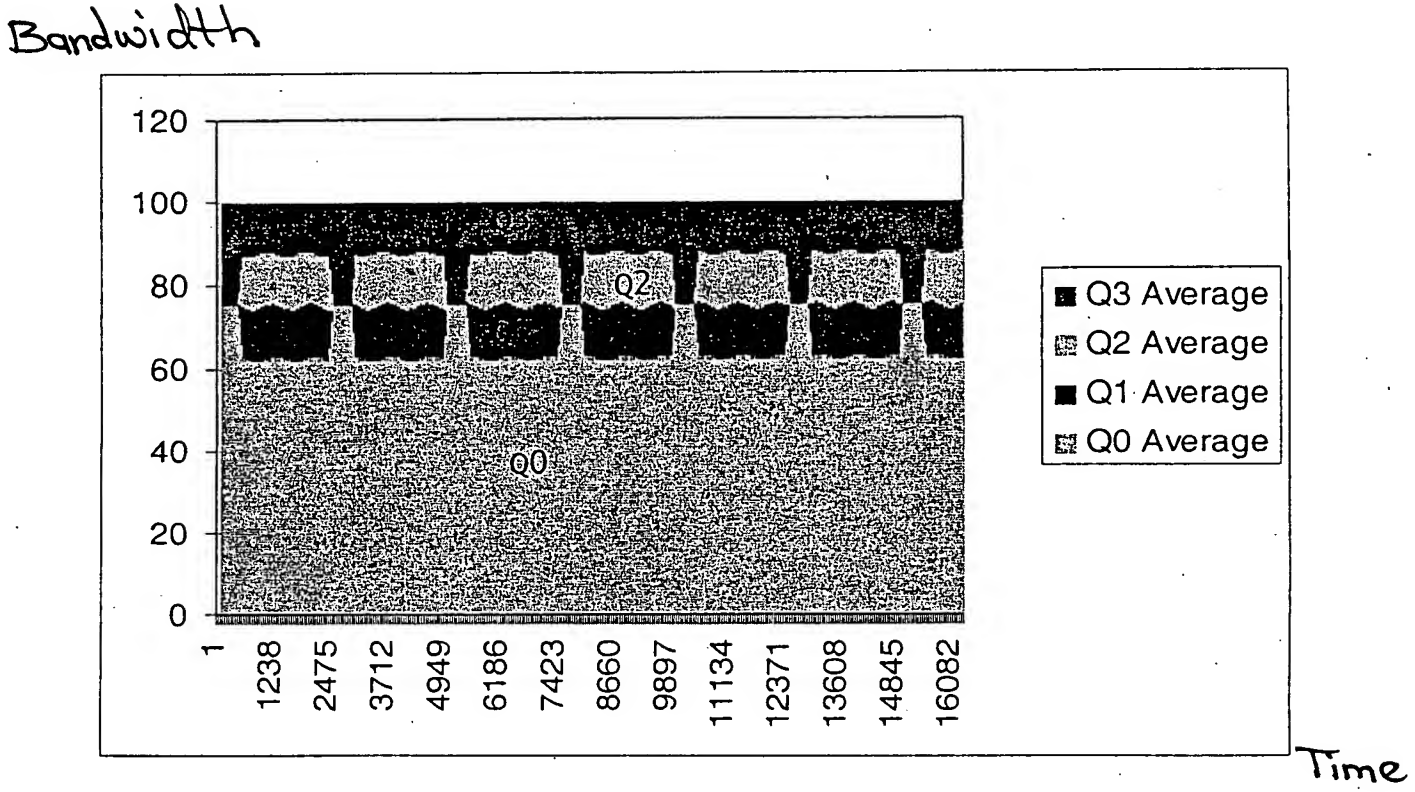

Fig. 6

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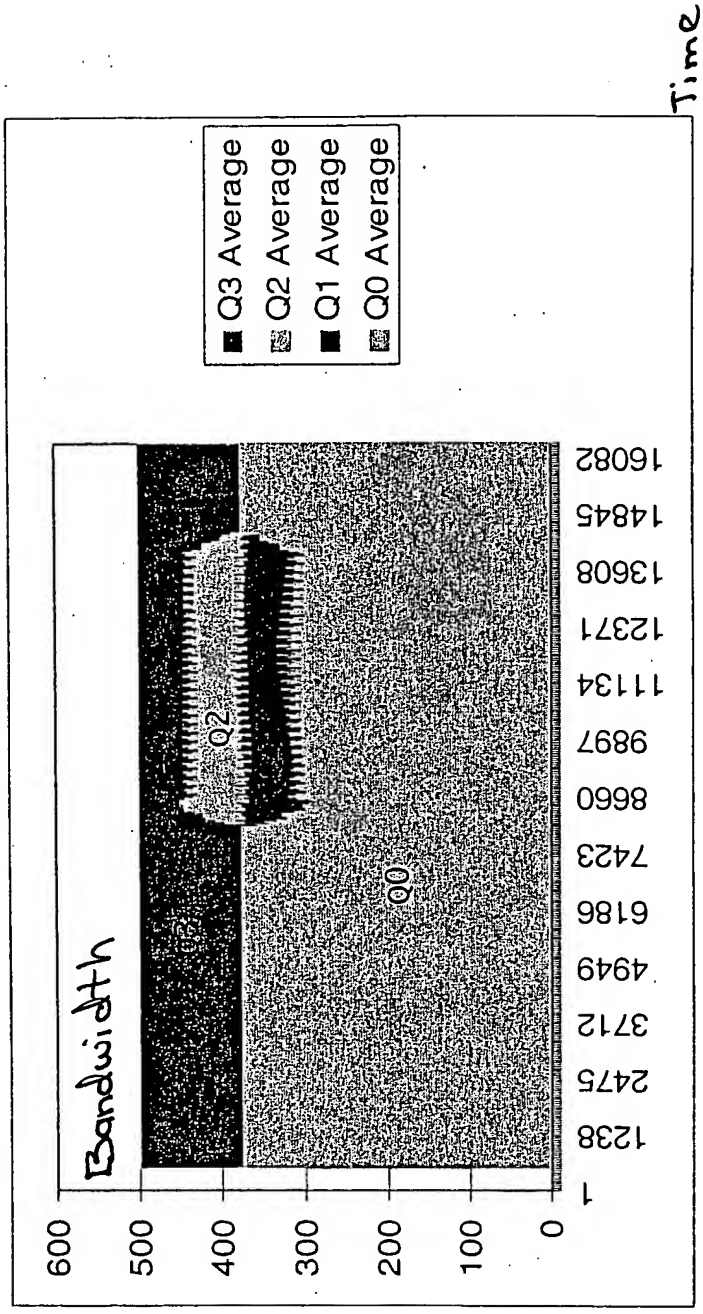

Fig. 7

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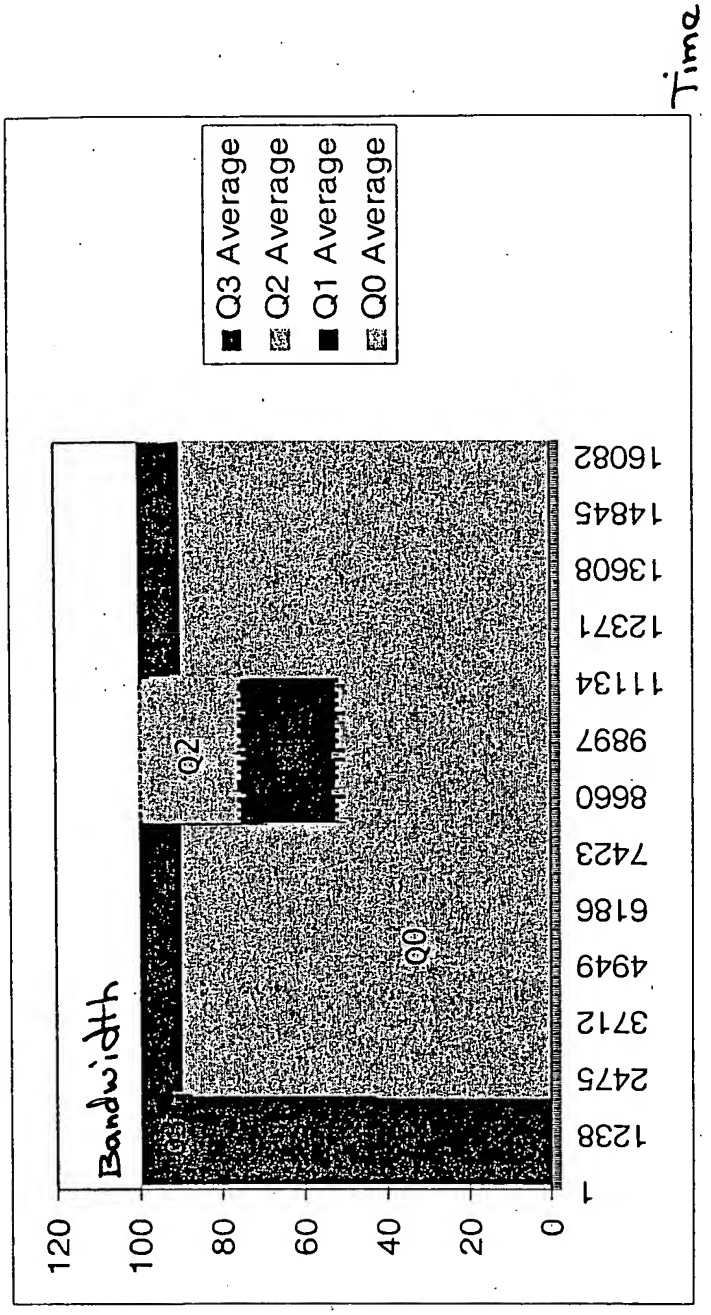
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Q2 Average
Q1 Average
Q0 Average
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100
80
60
40
20
0
1
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2475
3712
4949
6186
7423
8660
9897
11134
12371
13608
14845
16082
Q3
Q2
Q1
Q0

Fig. 8